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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/918,659

07/31/2001

Michael E. Jammal

SAA-68

2682

7590

03/08/2004

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7/31/2001

EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/08/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/918,659

Applicant(s)

JAMMAL, MICHAEL E.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3-7, 13, 17-21, 23-30, 36 and 40-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mead et al, U.S. Patent Application Publication No. 2001/0036822 (hereinafter Mead).

Regarding claim 1, Mead discloses a method of sending a message to a passenger in an airplane, the method comprising the steps of creating the message using a first communication device; transmitting the message to a messaging router; transmitting from the message router to the passenger through a second communication device a notification that the message is

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available for receipt by the passenger; requesting receipt of the message by the passenger through the second communication device; transmitting the message from the message router to the second communication device on the airplane and receiving the message through the second communication device on the airplane (see Figure 4 and paragraphs 0028-0034).

Regarding claim 3, see paragraph 0029.

Regarding claim 4, see paragraph 0029.

Regarding claim 5, see paragraph 0029.

Regarding claim 6, see paragraphs 0028-0034. Also see vehicle server from Figures 1-3.

Regarding claim 7, see paragraphs 0028-0034. Also see vehicle server from Figures 1-3.

Regarding claim 13, see paragraphs 0028-0034. Also see paragraph 0020.

Regarding claim 17, see paragraphs 0015, 0017, 0020 and 0028-0034. Also see Figure 4.

Regarding claim 18, see paragraphs 0015, 0020 and 0028-0034. Also see Figure 4.

Regarding claim 19, see paragraph 0003. Also see abstract.

Regarding claim 20, see paragraph 0023.

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Claim 21 is rejected for the same reasons as claim 1.

Claim 23 is rejected for the same reasons as claim 3.

Claim 24 is rejected for the same reasons as claim 4.

Claim 25 is rejected for the same reasons as claim 5.

Regarding claim 26, see Figure 4.

Regarding claim 27, see paragraphs 0028-0034.

Regarding claim 28, see paragraphs 0028-0034.

Regarding claim 29, see paragraphs 0028-0034. Also see vehicle server from Figures 1-3.

Regarding claim 30, see paragraphs 0028-0034. Also see vehicle server from Figures 1-3.

Claim 36 is rejected for the same reasons as claim 13.

Claim 40 is rejected for the same reasons as claim 17.

Regarding claim 41, see paragraphs 00150, 0020 and 0028-0034. Also see vehicle server from Figures 1-3.

Claim 42 is rejected for the same reasons as claim 19.

Claim 43 is rejected for the same reasons as claim 20.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 8, 22 and 31 are rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Agraharam et al, U.S. Patent No. 6,085,231 (hereinafter Agraharam).

Regarding claim 2, Mead fails to disclose the message is a voice message. However Agraharam discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mead with the voice message taught by Agraharam. This modification allows for voice messages to be delivered via an alias email address as suggested by Agraharam.

Claim 22 is rejected for the same reasons as claim 2.

Regarding claim 8, Mead does not disclose the first communication device is a telephone. However Agraharam discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mead with the telephone taught by Agraharam. This modification allows for voice messages to be delivered via an alias email address as suggested by Agraharam.

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Claim 31 is rejected for the same reasons as claim 8.

5. Claims 10-12 and 33-35 are rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Picard et al, U.S. Patent No. 6,233,318 (hereinafter Picard).

With respect to claim 10, Mead does not teach the first communication device is a computer. However Picard discloses this limitation (column 10). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mead with the computer taught by Picard. This modification allows for a unified messaging system as suggested by Picard.

Regarding claim 11, see column 10 of Picard.

Regarding claim 12, see column 10 of Picard and paragraph 0016 of Mead.

Claim 33 is rejected for the same reasons as claim 10.

Claim 34 is rejected for the same reasons as claim 11.

Claim 35 is rejected for the same reasons as claim 12.

6. Claims 15, 16, 38 and 39 are rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Usher et al, U.S. Patent Application Publication No. 2002/0016164 (hereinafter Usher).

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Regarding claim 15, Mead does not disclose entering payment information into the second communication device. However Usher discloses this limitation (see paragraph 0055). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mead with the payment information taught by Usher. This modification allows for users to be billed as suggested by Usher and Mead.

Regarding claim 16, see paragraph 0055 of Usher.

Claim 38 is rejected for the same reasons as claim 15.

Regarding claim 39, see paragraph 0055 of Usher.

7. Claims 14 and 37 rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Golan, U.S. Patent Application Publication No. 2002/0194278 (hereinafter Golan).

Regarding claim 14, Mead discloses displaying header information on the display of the second communication device (paragraph 0029). Mead does not explicitly teach the header information includes an individual name. However Golan discloses this limitation (see Figure 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mead with the header information

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taught by Golan. This modification allows for appropriate header information to be sent as suggested by Mead.

Claim 37 is rejected for the same reasons as claim 14.

8. Claim 32 is rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Wagner et al, U.S. Patent No. 6,169,911 (hereinafter Wagner).

With respect to claim 32, Mead does not explicitly disclose the second communication device is a telephone. However Wagner discloses this limitation (see Figure 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mead with the telephone taught by Wagner. This modification allows the user to use a wireless terminal interface as suggested by Mead (paragraph 0020).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be

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reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
March 2, 2004

FAN TSANG
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2600

